

MARK LANE

Mark Lane testified before the Commission on two different occasions. He appeared on March 4, 1964, and upon his demand the session was opened to the public. Of course, this didn't mean ~~very~~ ^{very} much, since the public ^{had no way to} ~~didn't~~ know it would have been admitted, all the previous hearings having been held in secret. This appearance is in Vol. II, pp.32-61.

On July 2, 1964, (Vol. V, pp.546-61), in an appearance that turned into a real hassle, there is no indication whether or not this hearing was open to the public. There is no indication that Lane demanded it be open to the public.

The appearances noted at the beginning of each day of testimony do not include anybody supposedly looking out for Oswald's interests. There was nothing that occurred during the hearing, as represented in the testimony, showing that anyone participated who might be looking out for Oswald's interest.

There is another odd thing about the mechanics of the presentation of Lane's testimony. I recall no other case in which, after a witness's name, the word "resumed" appears. In the case of Lane, it may or may not have meaning, but on the very first page of this second appearance, the Chairman said that Lane had been excused as a witness and therefore he would be sworn again, which is what happened.

Lane has been chairman of a committee of people in the legal and other professions and other people calling themselves a Committee of Inquiry, the burden of whose belief and activity is that Oswald was not treated properly and that he was denied his rights. In this connection and prior, perhaps, Lane was conducting his own investigation. At one point he was hired by Mrs. Marguerite Oswald to represent her

deceased son's interest.

To the best of my knowledge, Lane was the first one to intercede with the Commission on Oswald's behalf, filing a "brief" and asking the right to represent Oswald's interests before the Commission. Some of this is represented in the testimony, most of it is not. The Commission rejected Lane's request to be allowed to represent Oswald's interest and, instead, appointed the former head of the Bar Association, Craig, who in his customary absence was usually "represented" by other people. The first question asked by any of them will come up in Lane's testimony. This, of course, refers to what I have read of the testimony. By this time I have gone over a very considerable amount of it. At no point has anybody asked any questions, even for the purpose of clarification, on Oswald's behalf.

In the beginning of his first appearance, Lane presented the Commission documentary evidence of the doctoring of the pictures of the rifle. There is no indication that the Commission received this evidence by any other means. The evidence consisted of copies of publications in which the pictures appeared, copies of glossy prints Lane obtained from the sources of distribution of the pictures, testimony about his efforts to locate these and the circumstances under which they were sometimes denied him. The burden of his testimony was that the rifle Oswald held in the now famous photograph, 133-A, is not the rifle represented as found at the Book Depository.

On p.39 he testifies to and puts into the record quotations from the doctors, some of whom he names, identifying the President's front neck wound as one of entrance. In this connection, note the depositions and testimony of the doctors in which this is so very carefully evaded. Note also that this evasion, as my summary ^{ies} of

this testimony and these depositions will show, is not entirely on the part of the doctors. Note also the Commission's refusal to put into its record at the point of the depositions and testimony the statements of the doctors identifying the wound as one of entrance. As my summaries show, the Commission was supposed to collect all of this information, make it available to the doctors for comment, and to include it in the record. If they have done so, I have yet to find it.

Lane then points out that the entire reconstruction of the police initially was that the President was shot on approach.

Then he points out that, although the doctors were on record immediately, as describing the neck wound as one of entrance, neither the FBI nor the Secret Service questioned the doctors until after the autopsy report was available to be shown the doctors (p.41).

Lane then questions why no roadblocks were set up immediately to prevent the escape of the assassin. He points out the trains, planes and busses kept on running without any interruption at all.

He refers to a photograph taken from a Mrs. Moorman by the FBI which he says might have shown the entire building at the time the shot was fired. He said the last time he saw Mrs. Moorman she still had the receipt from the FBI which had promised to return the picture. What, if anything, was done with the picture I do not know, but no "Moorman" is listed in the index of witnesses.

The first police reports, as he quotes them, identified the source of the shots as the overpass. (p.44)

According to an affidavit filed the day following the assassination by Weitzman, Weitzman swore that he had found a gun and that it was a 7.65 caliber Mauser. The affidavit included a description

4 - lane

of the weapon (p.46).

The National Rifle Association and other gun groups made tests to show that the ammunition generally available for this weapon is highly undependable. He quotes their tests as showing the cartridges usually didn't fire. (p.47). (Note that the Commission got around this by saying that Curry found a Western bullet in the breach and by assuming, therefore, that all of the other bullets were Western. As I have indicated elsewhere, no effort was made in the report to establish the manufacturer of either the cartridges ~~itself~~ found in the Book Depository or of the bullet or of the fragment of bullets that were found after the crimes.)

The FBI told the dealer who sold the rifle to keep his mouth closed. Lane testified to this and claims that there were many, many cases of people being told by the government police to say nothing about what they had seen or about their questioning. (p.49)

He says that Fritz handled the rifle as soon as it was found, and ejected the cartridge, thus, of course, effectively destroying any opportunity to recapture fingerprints. He also said that the manufacture of this rifle was such that the bolt was difficult to operate and that normally the difficulty of operation would have worked toward a clearer fingerprint. (p.49)

The question of the witness Markham and her description of the man not possibly Oswald, especially the bushy hair part, then comes up. Lane talks about a tape recording he has and swears that he told Mrs. Markham that he was Oswald's lawyer (p.51). Instead of getting the bus 7 blocks away, according to Lane, there is reason to believe that Oswald, in fact, got the bus at the first corner, Elm and Houston (p.54).

5 - Lane

His plea to represent Oswald as his lawyer is heard beginning on p.56. The Commission denied it (p.57) because the widow has counsel. There are no specifications about how the widow got counsel or when. The question of whether the widow had arranged counsel or had even said she was going to arrange counsel at the time the mother had hired Lane is not addressed.

The character of the lawyers selected by the Commission to look out for Oswald's interest and their conception of how they might best serve this interest is here, for the first time in my research, represented by something other than complete and total silence. On pp.59-60, Charles Rhyne undertakes in effect to deny that Oswald was denied his rights. These are, without doubt, two completely novel techniques in American jurisprudence.

The Commission asked Lane about the tape recordings. He said that he had made all of the knowledge he had available but that, under a lawyer-client relationship and especially because these were the working papers of an attorney, he would not go into anything except the content of the tape recordings.

He also says that he cannot reveal the name of a person who informed him of a meeting before the assassination in Ruby's Carousel at which Ruby, Tippit and Bernard Weissman were together for some time. In each case Lane said he would seek to obtain a release so that he could tell the Commission what it sought to learn, but that he would have to get the release before he could do so. He asked to go back into executive session to name the third man at the alleged meeting and when this happened he identifies the man as Jack Ruby.

On p.42 he quoted the National Board of the American Civil Liberties Union as saying that, if Oswald had lived, he could not have se-

6 - Lane

cured a fair trial any where in the country. He is in response assured by the Chairman that he may be assured "that will be given the most serious consideration by the Commission and the Commission has already appointed as an act in that direction the president of the American Bar Association, with such help as he may wish to have, to make an investigation of that very thing. I assure you it will be done by the Commission." Thus far I have seen no reference to any such investigation. The conduct of these lawyers I have already noted.

Vol. V The July hearing opens with Rankin demanding what Lane describes as his lawyer's working papers whose "sanctity" he says was established by the Supreme Court. Lane alleges the questions are improper. (p.547) This is essentially repeated on p.550 and Lane at this point accuses the Commission of continuing what he describes as "harassment". He repeats that he has given the Commission all the information he has. He then goes into the ⁿⁿmatter in which he says he was mistreated by the FBI, what he said to them, what he offered, and so forth, giving the names and identifications of the 2 FBI agents involved. They had demanded certain documentation of him. Mr. Rankin is not concerned about the alleged behavior of the FBI agents (who may or may not have represented the Commission), but instead asks Lane if Lane had given them the documents (p.550). Lane says he didn't and Rankin says, "Why not?" To this Lane replied, "Does your tone and your question indicate you think I should have given those documents to agents of the FBI?" Rankin doesn't reply but says, "I would like to have you answer the question, if you would." and Lane asks, "You ^{decline} ~~refuse~~ to answer my question?" and Rankin says, "Yes; I am examining you." Lane then says why he didn't give them the documents and what he told the agents of how he would make anything he had available. He is

7 - Lane

interrupted in this explanation twice by Rankin who ultimately does not let him finish it to return to the tape recording. Lane is extremely specific saying, "I would like to make this quite clear to you, Mr. Rankin. I am not going to discuss any working papers in my possession. Those papers came into my possession as a result of an attorney-client relationship. The Supreme Court has written decisions regarding the sanctity of those documents. I think it is improper of you to ask questions which delve into relationship of that nature. And I think you know that the questions you are asking are improper."

Rankin does not make denial. (p.551)

Again on the same page Lane says to Rankin, "Again you are delving into an area which is an improper one for you to delve into." Under questioning that followed by Rep. Ford, Lane asks, "Am I a defendant before this Commission, or is the Commission trying to find out who assassinated the President?" Ford in reply goes off on what seems to be the beginning of a tangent. Lane says, "Well, then, call the witness (a clear reference to Markham) before the Commission and ask the witness questions. ... if the witness has testified contrary to what I say the witness has said, then I would suggest you do what I invited the Commission to do when this matter arose. Submit my testimony and Mrs. Markham's testimony to the U.S. Attorney's office, and bring an action against both of us for perjury. And then at that trial I will present documents in my possession, and we will see who is convicted." (pp.551-2)

On p.552 near the top Mr. Lane unburdens himself further. "And if there was someone representing the interests of Oswald before this Commission, there could be cross-examination, you sitting as judges could then base your decision upon the cross-examination, But you have decided instead to sit as judges and jurors and defense attorneys and prosecuting attorneys, and you are faced with a dilemma. I cannot

8 - Lane

solve that dilemma for you."

Thereafter, when Rankin returns to questioning about the tape recording rather than its contents, Lane says, "I am unable to verify that because of an existing attorney-client relationship, and you know that it would be improper and unethical for me to give the answers to the questions which you are asking. And that is why I am amazed that you persist in asking questions which you know are improper and which would be unethical for me to answer." At no point does Rankin or anybody else deny the accuracy of his representation of the legal situation (p.552).

Lane points out that he was in Europe when phoned by his office upon receipt of a letter from the Commission requesting his appearance. He points out he is not there under subpoena because he was not subject to subpoena in Europe. He also knows that it is due to wind up its work in a very short while and points out he could have remained in Europe were his purpose to evade the Commission. He again points out his position with respect to these matters has been consistent from the very beginning and was known to the Commission all along. In the middle of p.553 Rankin asks Lane, "Do you ~~realize~~ realize that the information you gave in closed session could have an unfavorable effect upon your country's interests in connection with this assassination and your failure to disclose the name of your informant would do further injury?" Lane makes the following sharp reply: "Mr. Rankin, I am astonished to hear that statement from you. There are 180 million Americans in this country. I am perhaps the only one who is a private citizen who has taken off the last 6 months to devote all of his efforts to securing whatever information can be found, and to making that known to this Commission, and publicly to the people of this country at great personal cost in terms of the harassment that I have suffered,

9 - Lane

in terms of the terrible financial losses that I have suffered. And to sit here today, after 6 months of this work, which I have given all to the Commission, voluntarily, and I again have come here again today voluntarily to give you this information, and to hear you say that I am not cooperating with the Commission, and I am going to do harm to the country by not making information available to you astonishes me. You have hundreds of agents of the FBI running all over the Dallas area - agents of the Secret Service, Dallas policemen. Are you telling me that in one trip to Dallas where I spent something like 2 days, I uncovered information which the whole police force of this Nation has not yet in 6 months been able to secure? I cannot believe that is a valid assessment of this situation. I cannot, Mr. Rankin."

Chief Justice Warren tells Lane that, "until you give us the corroboration that you say you have, ... we have every reason to doubt the truthfulness of what you have heretofore told us. And your refusal to answer at this time lends further strength to that belief..." (p.553)

Lane's response is, "I have handicapped you by working for 6 months and making all of the information I have had available to you? I understand/very fully your position, Mr. Chief Justice."

What does not come out in this testimony but what is a matter of record is that the witness whose name Lane had refused to give without the witness's consent claimed he feared for his life and further claimed that his life had been threatened by the police. Lane then, to their faces, accuses the Commission of leaks. His words are, "Frankly, quite frankly, matters which have been given to this Commission in utmost confidence have appeared in the daily newspapers, and one cannot feel with great security that giving information to this Commission,

10- Lane

even at secret hearings, means that the information will not be broadcast, and this is the problem which confronts us at the present time." When the Chairman tries to explain this by saying that there is nothing to keep the witnesses from telling what they testified to, Lane points out that when he received the transcript of his testimony, "the portion in executive session, every page had been marked 'Top Secret.' In fact, it bore a legend across it saying that my testimony, which consisted almost solely at the outset of my request that the hearings be open to the public, was in fact related to the national defense of the United States and it was a violation of the espionage laws for me to discuss those matters publicly." (p.554)

At the bottom of the page Lane refers to documentation which had also been marked "Top Secret" but which had also appeared in the press. He specifically cites the case of the diary. (p.554)

The Commission persists in asking the questions and Lane persists in maintaining the same position. For example, in the middle of p.555 he says, "I will give you all of the information in my possession in reference to everything I have been able to discover in order to assist this Commission. But what you are asking at this point are sources. You are not asking for information. You are asking for sources. And you know that it is improper to ask for those sources."

He then (p.556) tells the Commission that on his return to the United States for the purpose of testifying, he found that he was "halted by the Immigration authorities because my name appeared in that proscribed list." He had asked the Commission to check into it and find out why and had been told by Ranking that the Commission had not been responsible. He specified the people he discussed this with in the Immigration Service and what they told him. He also says he

11 - Lane

made a special trip to Dallas just to get the witness to release him from his promise, and that the witness would not do so. (p.556)

With respect to the tape recording which involved his legal relationship with Mrs. Oswald, he testified that either the day before or the day before that, she had again "instructed me not to discuss the entire Markham situation at all, quite specifically, and quite strongly, and insistently, over my objection." (pp.557-8.)

In the course of a further discussion of the tape recording, "I would merely ~~xxx~~ ^{ask} Mrs. Markham a series of questions," Chief Justice Warren replies, "Oh, yes; you would like to make the inquisition your own, but you are unwilling to testify before this Commission." In response, Lane says, "I don't think that an effort to represent a man who is being tried in absentia, after he was killed in the custody of police officers, is the same as asking for permission to conduct an inquisition, with all due respect to you, Mr. Chief Justice." And then the Commission asks about Lane's speaking engagements and whether he has charged admissions, whether he has collected or made any money, to which Lane replies that he has spoken at about 40 different colleges and in the few cases where money was collected it ~~xxx~~ went to the "Citizens Committee of Inquiry," of which he is chairman. Asked who its members are, he names some including Jessica Mitford, author of "The American Way of Death", a best-selling book; Sterling Hayden, an actor; a number of attorneys; and a number of others. He said that "I did not know that I was going to be questioned about the makeup of the Citizens Committee, otherwise, I would have brought the entire membership list." Warren said he hadn't intended to ask this.

Rankin at the end of the hearing shows Lane the rifle, Exhibit 139, which at the previous hearing Lane had asked permission to examine in

12 - Lane

connection with some data he then had with him. Lane then again refers to the "affidavit signed by a police officer, Seymour Weitzman, dated the 23d day of November 1963, the original of which was at one time in the office of the district attorney of Dallas. In that document, Officer Weitzman states he found, along with another person - a deputy sheriff, I believe, or a deputy of some sort - the alleged murder weapon, on the 22d day of November 1963 ... ^{swears} ~~swears~~ that the murder weapon which he found, or the weapon which he found on that floor, was a Mauser 7.65 millimeters." He refers to the clear marking "Made Italy, Cal 6.5" on this one. He concludes by saying, "I suggest it is very difficult for a police officer to pick up a weapon which has printed upon it ~~xxxxxx~~ clearly in English 'Made Italy, Cal 6.5', and then the next day draft an affidavit stating that that was in fact a German Mauser, 7.65 millimeters." The Commission then took a recess, following which, without further proceedings, it adjourned.